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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,332	12/13/2003	Thomas Haft	US20030356	1361

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WHIRLPOOL PATENTS COMPANY - MD 0750
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ST. JOSEPH, MI 49085

EXAMINER

HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1746

MAIL DATE	DELIVERY MODE
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05/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,332

Applicant(s)

HAFT ET AL.

Examiner

Jason Heckert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12-17 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12-17 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/5/07 have been fully considered but they are not persuasive. Applicant has amended the claims to include the limitation of a "wash aid dispenser" and argues that Marcussen does not teach a wash aid dispenser fluidly coupled to a conduit. Applicant also argues that Marcussen is devoid of a fluid coupling extending between between the wash chamber and the door.
2. First, the examiner views nozzle 46 as a wash aid dispenser, in that it dispenses wash water. Second, as seen in figure 2, pipe 39 is connected to pipe 44 via an unlabeled, but depicted, third portion of pipe. Clearly this happens at an interface. The door is to the right and the housing is to the left, therefore the interface is in between the door and the housing according to the broadest reasonable interpretation of the claim language.
3. Applicant's arguments, see page 8, filed 3/5/07, with respect to the rejection of claims 22, 24-25 under 35U.S.C. §112 have been fully considered and are persuasive. The rejection of claims 22, 24-25 has been withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-2, 4, 6, 9-10, 16-17, 22, 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Marcussen et al. Marcussen et al. disclose a dishwasher comprising a housing 11, a door 14, a spray arm 17, a wash aid dispenser comprising nozzle 46 provided in the door, and a liquid delivery system 44 in fluid connection with the wash chamber and the accessory. As seen in figure 2, the delivery system clearly has a first portion 39 in fluid connection with the wash chamber, a second portion 44 carried inside the door, and a third portion defining a bend fluidly connecting the first two portions. Clearly this third portion connects at an interface. The door is to the right and the housing is to the left, therefore the interface is in between the door and the housing. The three portions form one integral conduit. Marcussen et al. discloses that the door is hingely attached to the body of the dishwasher (col. 3 line 30) and clearly shows that the door can open and close in figures 1 and 2. Therefore, the piping or hosing must be innately extendable in some manner to allow for this action to take place, for if it were rigid the door would not be able to extend as depicted. Furthermore, the third portion is disposed in the region of the door's hinge axis and couples the first section to the second section when the door is closed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Marcussen et al. in view of Guth. Marcussen et al. does not disclose the hose portions as being extendable, however for reasons stated above, the hose portions must be extendable in order for the apparatus to function as described. Furthermore, extendable hoses are notoriously well known in the art. Guth uses a flexible hose 94 in a dishwasher to run wash fluid from the interior of the machine to a spray nozzle in the door 14 through the hinge axis of the door (see figure 1). It would have been obvious to one skilled in the art at the time of the invention, to modify Marcussen et al. by using flexible hosing to facilitate the opening and closing of the dishwasher door.

8. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcussen et al. in view of Hechler, IV. Marcussen et al. does disclose the second hose portion being located in the door, but does not disclose discrete multiple passages in the conduit. Hechler discloses a dual hose for the delivery of two fluids with at least two discrete passages 30 and 32. Furthermore, duplication of parts was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11 (1977); *In re Harza* 124 USPQ 378 (CCPA 1960). It would have been obvious at the time of the invention, to modify the conduit of Marcussen et al. as taught by Hechler, and provide two discrete passages for the supply of multiple fluids.

9. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcussen et al. in view of Milocco. Marcussen et al, as stated previously, discloses a transition portion coupling the first and second hose portions together when the door is closed as well as a valve 28 disposed in the water inlet to control flow. He does not

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disclose a shut-off valve disposed in said transition portion. Rearrangement of parts was held to have been obvious. *In re Japikse* 86 USPQ 70 (CCPA 1955).

Furthermore, shut-off valves are notoriously well known in the art especially for use in water inlets. Milocco discloses valve 11 located near the hinge axis 4 of a dishwasher door. This valve has control means (col. 3 line 13) for controlling flow to at least one bulk aid dispenser 7 via passage 10 located in the door. Milocco further discloses a coupling means 17 and 18 for the hose portion located in the door and the hose portion located in the cabinet to allow for opening and closing of the door. The coupling means can be of the kind including a flexible watertight seal (col 3. line 39). Said valve and coupling are able to shut off flow when the door is opened and provide a seal when the door is closed. It would have been obvious at the time of the invention, to modify Marcussen et al and add a sealed valve with associated coupling as taught by Milocco in the transition portion to control water flow to the washing accessory.

10. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcussen et al. in view of Jacobs and further in view of Guth. Marcussen et al discloses a valve 28 in the liquid delivery system, but does not disclose a multiple outlet valve. Multiple outlet valves are notoriously well known in the art, and their use cannot be considered novel. Jacobs discloses a dishwasher with an actuated three-way valve 92 used in the liquid delivery system. This three-way valve is capable of delivering fluid to different areas of the apparatus. As stated above, Guth discloses a hose with multiple discrete passages. Jacobs' valve, as can any other three-way valve, can supply fluid from an external source to the wash chamber and a hose with multiple

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discrete passages. It would have been obvious at the time of the invention, to modify Marcussen et al and include a multiple outlet valve, as disclosed by Jacobs, in order to deliver fluid to different areas of the apparatus using the double hose taught by Guth. Such areas include the wash chamber and the nozzles in the door of Marcussen et al.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH



MICHAEL BARR
SUPERVISORY PATENT EXAMINER